

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Emanuel Pedro Jackson,

Petitioner,

v.

Sheriff Joe Lombardo, *et al.*,

Respondents.

Case No. 2:22-cv-00705-CDS-EJY

ORDER

This action is a petition for writ of habeas corpus under 28 U.S.C. § 2254, initiated on May 2, 2022, by Emanuel Pedro Jackson, an individual incarcerated at the Clark County Detention Center, in Las Vegas, Nevada. Jackson paid the filing fee and his petition for writ of habeas corpus was filed on that date.

The Court screens the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and, as it plainly appears that Jackson is not entitled to relief, the Court dismisses this action, without prejudice.

Jackson challenges a conviction of “child abuse, neglect or endangerment,” entered on a guilty plea in Nevada’s Eighth Judicial District Court (Clark County) on August 9, 2017. The petition clearly states, however, that none of Jackson’s claims for habeas corpus relief have been exhausted in state court. Jackson indicates that he did not appeal from the conviction, that he did not file a petition for post-conviction relief in state court, and that he did not otherwise present any of his claims to the highest available state court. *See* Petition for Writ of Habeas Corpus (ECF No. 1), pp. 1, 4, 6, 8. A federal court generally cannot grant habeas corpus relief under § 2254 unless the petitioner has exhausted the remedies available in state court. 28 U.S.C. § 2254(b)(1)(A). It is plain on the face of Jackson’s petition that his petition, challenging a conviction entered in state court over four years ago, is wholly unexhausted in state court.

1 IT IS THEREFORE ORDERED that this action is dismissed, without prejudice.

2 IT IS FURTHER ORDERED that, as reasonable jurists would not find this order to be
3 debatable, the petitioner is denied a certificate of appealability.

4 IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter judgment
5 accordingly.

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7 DATED this 20th day of May, 2022.

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11 CRISTINA D. SILVA
12 UNITED STATES DISTRICT JUDGE
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